

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,)	
)	
)	
Plaintiff,)	C.A. No. 16-122-LPS
)	
v.)	JURY TRIAL DEMANDED
)	
GROUPON, INC.)	
)	
)	
Defendant.)	

**IBM’S MOTION TO STRIKE GROUPON INC.’S
LATE-DISCLOSED INVALIDITY THEORIES**

Plaintiff International Business Machines Corporation (“IBM”) respectfully moves to strike late-disclosed invalidity theories from Groupon’s final invalidity contentions. Specifically, IBM moves to strike the “Spinning the Web,” “Amazon 1995 Website,” and “Williams” theories asserted against U.S. Patent No. 5,961,601 (“601 patent”), as reflected on pages 8 and 9 of Exhibit 1 to IBM’s letter brief. In accordance with the Court’s Revised Procedures for Managing Patent Cases, the basis for IBM’s motion is further described in a separate letter brief filed herewith and incorporated fully herein. Pursuant to D. Del. LR 7.1.1, parties met and conferred, and Defendant opposes this motion.

Respectfully submitted,

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

John M. Desmarais
Karim Oussayef
Laurie N. Stempler
Robert C. Harrits
Brian D. Matty
Michael Matulewicz-Crowley
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Tel: (212) 351-3400

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By: /s/ Bindu A. Palapura
David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyne@potteranderson.com

Attorneys for Plaintiff
International Business Machines Corporation